The City of Seattle
Seattle Broadband Initiative
Request for Interest

Released: May 22, 2006

Responses Due: July 7, 2006

City of Seattle

SEATTLE BROADBAND INITIATIVE

REQUEST FOR INTEREST

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The City of Seattle

Fiber to the Premises Broadband Network

Request for Interest

1. Introduction

Purpose of this Request for Interest

The City of Seattle is issuing this Request for Interest (RFI) to gather comments, conceptual frameworks, and indications of interest and to identify partnership teams from private parties interested in and capable of partnering with the City of Seattle to create a competitive fiber to the premises broadband (FTTP) network serving the City, its citizens, businesses and institutions. We encourage creative thinking and respondents may want to consider forming alliances before responding. While the focus of the RFI is on fiber to the premises, we encourage proponents to discuss whether they envision a wireless component such as Wi-Fi to serve as a complement to a FTTP network. As a result of submissions to this RFI, the City may engage in negotiations with private entities, proceed to a Request for Proposal or take no further action. The deadline for responses to this RFI is July 7, 2006 (See Section 8 for a detailed schedule).

Background: Report of the Task Force on Telecommunications Innovation

In 2004, Seattle Mayor Greg Nickels and the Seattle City Council convened the Task Force on Telecommunications Innovation to investigate measures that Seattle would need to meet its technology future. The Task Force, which released its report in May of 2005, (www.seattle.gov/cable) adopted the following goal:

> *2015: Broadband for All*
> *Within a decade all of Seattle will have affordable access to an interactive, open, broadband network capable of supporting applications and services using integrated layers of voice, video and data, with sufficient capacity to meet the ongoing information, communications and entertainment needs of the city's citizens, businesses, institutions and municipal government.*

The Task Force concluded that FTTP is the only access network capable of realizing this goal. The Task Force found that "true" broadband connectivity requires a minimum of 20Mpbs- 25Mbps with sufficient upstream bandwidth and will eventually require 100 Mbps and above to each user. It found that today's incumbent wired communications networks represent the early stages of broadband development and that these networks will prove to be inadequate for delivering to each user the bandwidth necessary for future

advanced services. Of particular concern was the lack of any appreciable upstream bandwidth. The Task Force found that wireless technologies such as Wi-Fi and WiMax are attractive because they provide for mobile, portable and ubiquitous network access and can be deployed quickly and relatively inexpensively. However, the Task Force found that wireless technologies by themselves would be insufficient to ensure Seattle's broadband future. According to the Task Force, wireless technologies lack the capacity of fiber networks, are prone to interference and present some security risks. For these reasons Seattle views wireless technologies as a complement to a FTTP network and as a vehicle for increasing local competition for Internet access and addressing the digital divide.

The Task Force additionally found that Seattle suffers from a lack of competition in wired broadband services and that, if this situation remains unchanged, Seattle could be relegated to second tier status in terms of its technological sophistication and lose its edge to cities that are better positioned to compete in the emerging global economy. Continued advances in multimedia services and two-way video will accelerate demand for bandwidth and will expose the limitations of the current access networks. Since construction of an advanced broadband network will take time, the Task Force recommended that the City take steps now to ensure that its future broadband needs will be met. The Task Force further recommended that the City assess the feasibility of using its existing fiber network and other assets to support current and future municipal applications and, if necessary, to provide the basis for a FTTP network likely in partnership with private entities. Under Washington State law the City has the requisite authority to construct and operate communications networks serving the public.

Mayor Nickels' Broadband Initiative

Mayor Greg Nickels supports the Task Force goal of increasing competition to spur the development of a true broadband network, and sees its recommendations as supporting his overall goals for the City. For example, the Mayor has taken a leading role among American mayors leading efforts to adopt the Kyoto protocols. A very high speed true broadband network would attract new businesses and jobs and, at the same time, encourage telecommuting, thereby supporting the goal of reducing traffic and carbon emissions. It also would create new opportunities for disabled and home bound citizens to be more engaged and to video conference with health providers.

In response to the Task Force report Mayor Nickels with assistance from the Department of Information Technology invites the private sector to join the City in making investments for a public private partnership. His vision is for the City and its partner(s) to construct a state of the art FTTP network in Seattle to provide competitive, advanced services and serve as a platform for continuing innovation. The Mayor expects eventual citywide coverage but recognizes that the project may need to proceed in phases. The City will work with our partners to identify potential priority areas for initial construction.

As incentives to the private sector, the City offers access to existing City assets such as utility poles, underground conduit, fiber optic cable, and some City owned lands as well

as the support of talented and dedicated City staff. In addition the City is willing to consider additional investments to aid the partnership. Finally, the City is interested in using this new network for its substantial telecommunication needs and could serve as an anchor tenant for our private partners.

2. Goals for FTTP Network

- Provide affordable, true broadband connectivity to Seattle residents, businesses and institutions
- Increase efficiency and transparency of City government
- Promote job creation, business growth and economic development in Seattle
- Increase customer choice and competition
- Enhance educational opportunities and the delivery of health care services
- Ensure affordable service to low income populations
- Stimulate private investment and innovation in broadband service delivery
- Promote Seattle as a world leader in information technology
- Enhance quality of life of Seattle citizens

3. Desired FTTP Network Characteristics

- Competitive Services by Private Sector. The City intends to be an infrastructure partner and does not intend to be a retail service provider or a network operator. It is the City's strong preference that those roles will be reserved exclusively for the private sector.
- Very High Bandwidth with Maximum Scalability. Bandwidth is the "raw material" of the information age. Provision of high levels of bandwidth at reasonable prices will lead to demand for faster computers, high definition TVs, and many other digital devices. It will enhance existing services and enable the development of many new applications and services that will help define Seattle's future, transforming the way we live, work and play. High bandwidth in the upstream as well as downstream direction is also essential to maximize interactivity of the network as users increasingly become network participants and the demand for peer to peer exchanges of video and photographic files accelerates. In addition, many of the concerns expressed today about the need for tiering and reserving bandwidth can be mitigated by building high bandwidth networks of the capacity this RFI is seeking.
- Citywide Coverage. The City would like to have the entire city served within a reasonable time, but recognizes that work may proceed in phases.
- Non Discriminatory Bit Transport. It is vital to the future of the Internet that network owners not discriminate in terms of bit transport or unnecessarily mediate between users and content or application providers. This should not be construed as a prohibition on quality of service guarantees but the network partner must provide similar treatment to all providers of like services. We believe that preferential treatment by network owners or operators of data streams will distort the evolutionary path of the Internet, stifle creativity and innovation and

ultimately abridge the ability of the Internet to be a medium for the free dissemination of diverse thought and opinion.

- Network Devices. Customers should be able to attach any devices to the network as long as they do not impair network performance. Customers must also be able to post and access any lawful content on non discriminatory terms.
- Open infrastructure. To the extent possible, the City would like to consider an open broadband network architecture that allows for multiple service providers. Competition among service providers will fuel experimentation and innovation, lead to new applications and services, lower prices and create more choices for consumers.
- Services. The network must be capable of providing any combination of voice, video and data services to residents, businesses, institutions and City government.
- Privacy. Seattle is a leader in broadband consumer privacy and the privacy rights of our citizens in the digital age must be preserved in any broadband system.

4. Important Facts about Seattle

Founded in 1869, the City of Seattle is located in the State of Washington on Puget Sound, 113 miles (182 km) from the US-Canadian border. Seattle is the commercial, cultural and advanced technology hub of the US Pacific Northwest and a major port city for trans-Pacific and Scandinavia/European travel and trade. Surrounded by mountains and water, the greater Seattle area features picture-perfect views and abundant year-round recreational opportunities. Seattle's 84 square miles housed a 2005 population of 573,000 with a population density of 6821 people/sq. mi. Seattle's population is expected to grow to over 594,000 by the year 2010, with additions of 8,000 in the South Lake Union area and over 7,000 in the downtown by 2024. The Puget Sound regional population is expected to grow from 3,460,400 in 2005 to 3,641,200 in 2010. Seattle's population is both diverse and highly educated. It has the highest education levels of all major cities in the United States, with 53% of adults having at least a bachelor's degree. (For additional information about Seattle, go to www.seattle.gov/oir/datasheet)

In 2005 Seattle was named the country's most literate city in a study conducted by Dr. John Miller, president of Central Connecticut State University. In addition to more traditional criteria such as bookstores per population, newspaper circulation, and the number of journals and magazines published, this study for this first time took into account the number of Internet book orders per capita and the percentage of adults who have read a newspaper online, plus the number of library Internet connections and public wireless access sites. Seattle was also recently named as the top video gaming city in the United States, according to Sperling's Best Places and Microsoft.

Seattle citizens value and enjoy very high levels of technology. Compared to 79% nationally, (Investor's Business Daily, January 9, 2004), 83% of our citizens have a home computer, with 91% of home computer users (76% of the total population) having Internet access. According to 2005 data collected by Leichtman Research Group and Pew research, Seattle enjoys 60% broadband access penetration compared with the national average of 40%. According to the Seattle Internet Exchange data traffic in

Seattle more than doubles every two years. In 2005, Population Connection named Seattle the best US city for access to wireless Internet connections. Similarly in 2005 Intel named Seattle the most "unwired" city in America in recognition of the numerous Wi-Fi hot spots throughout the city. With a 2005 median family income of $72,250, metropolitan Seattleites have the means and desire to have access to the latest in technology.

Seattle is a world center for the software development industry and Internet commerce. It has a large number of businesses and jobs in the technology sector with needs for advanced broadband capacity. Jobs in the "information and communications cluster" (ICT, as defined by a new Report for the Seattle Office of Economic Development: Cluster Study: Seattle's Information and Communications Technologies Cluster) in 2002 generated more than $3.5 billion in annual revenues and employed over 18,000 people in Seattle with wages over twice the average. As the "Cluster Study" (www.seattle.gov/economicdevelopment) correctly points out: "…Tech infrastructure fosters innovation. Maintaining cutting edge bandwidth infrastructure attracts the software development community."

The Seattle/Washington State region is home to 133 biotechnology firms, many founded on technologies developed by the University of Washington (ranking 1st among US public universities in NIH funding and 17th best university in the world on Shanghai Jiao Tong University's 2005 Top 500 World Universities list) Washington State University, Fred Hutchinson Cancer Research Center and Pacific Northwest National Laboratory. With a $70 million gift from the Seattle-based Bill and Melinda Gates Foundation (which has $24 billion in net assets), a $10 million gift from the Whitaker Foundation, $12 million in federal grants and private gifts from other sources, the University of Washington is completing new facilities for the Departments of Genome Sciences and Bioengineering. Additional biotech businesses, many concentrated in the South Lake Union area (http://www.seattle.gov/mayor/issues/pdf/SouthLakeUnion_Brochure.pdf.), include ZymoGenetics, Amgen, and the Seattle Biomedical Research Institute.

The clean technology/environmental engineering and services sector includes 400 companies employing about 16,000 people. According to a 2005 study by Americans for the Arts, 3,721 arts/design-related businesses and organizations employ 18,384 people in the Seattle area. Seattle is the center of a thriving gourmet coffee industry (Seattle-based Starbucks has more than 9,000 retail locations worldwide); a dynamic recreation equipment sector; the nation's largest marine and fisheries sector (fisheries exports from Washington State exceed the total of all other US states combined based on both value and weight); a dynamic film and video industry employing 5,000 people with an annual payroll of $155 million, and a vibrant music industry supporting 9,000 jobs and generating an annual payroll of close to $200 million. Other important sectors include wood products, transportation equipment, food products and apparel design.

For additional details about Seattle and its economy, please refer to The Greater Seattle Data Sheet (http://www.seattle.gov/oir/datasheet).

5. Seattle Market Potential

The Seattle market represents unique opportunities for advanced telecommunications. With current telephone and video programming subscription rates solidly in line with the national averages, Seattle significantly exceeds (>20%) the national average in both Internet penetration and, more specifically, in broadband usage. The significance of this statistic is that not only does a highly receptive market exist today, but more importantly, the use of existing broadband typically indicates consumers who are more telecom savvy than in other markets, and who are willing to explore and adopt innovations and developments in the field. What this means is that as traditional telecom services (such as telephone service and video programming service) become more data centric, the Seattle market is better positioned to transition into packet-based delivery of services, which is the core function of the proposed network. Furthermore, because Seattle has a higher proportion of medium sized businesses than the national average, its market is likely to see more of the essential decision making being done locally, suggesting quicker subscription rates in the business sector.

As the City considers the deployment of a fiber optic based advanced telecom network, business and investment opportunities abound for telecom partners in various sectors. Drawing from a recent study, Seattle projects the business opportunity in construction and fiber infrastructure to exceed $280 million; in electronic components to approach $100 million; and for providers of traditional telecom services, the cumulative and ongoing potential for annual revenue is also in the hundreds of millions of dollars. As financial partners and potential investors examine the opportunity of participating with Seattle in deploying the network, they will find that high residential and business densities, along with a high percentage of aerial plant, make the construction of the network one of the most cost effective builds in the country. These facts, combined with positive financial scenarios generated despite the conservative approach to modeling the subscription rates and cash flow of the network, minimize investment risks.

As part of the conservative approach to assessing the feasibility of a fiber optic network, Seattle focused on the business opportunities derived from basic services customarily available on such advanced networks: telephone service, video programming service, and Internet/data service. While these three service categories represent the current sources of revenue across this type of network, listing them in this way does not fully communicate the potential of services that the desired network is capable of supporting. As part of those service offerings, Seattle will be poised to offer advanced education through fully interactive remote classrooms; full-motion, full sized, high definition business video conferencing; sophisticated telemedicine applications and the transmission of extremely large diagnostic data; remote backup and restoration of mission critical and enterprise data; real-time web-based simulations and training; the expansion of work-at-home and telecommuting programs and the proliferation of innovative and robust home-based businesses competing on a global scale—the list is as extensive as it is exciting. In short, this network will support the creative and innovative new services and technologies that residents and businesses in the area are known for and which have made Seattle a great place to live for decades.

6. Current Telecommunications Environment in Seattle

Wired providers

As in most cities Seattle's downtown business district is ringed with fiber optic cable that connects via long haul fiber to other metropolitan areas in the region and the country. There is a substantial amount of spare dark fiber and conduit available in the downtown core. Companies such as Level 3 Communications and 360 Networks provision fiber to large businesses in the downtown to meet their extensive data needs. However, fiber does not reach directly into residences or small business in any of Seattle's neighborhoods including downtown.

Residential wired service in Seattle is provided primarily by Comcast and Qwest (Millennium Digital Media, a small cable operator with about 16,000 subscribers, also serves parts of Seattle). Comcast provides video, data and VoIP service using a hybrid fiber coaxial system that brings fiber to neighborhood nodes. From the nodes, connection to the residence is via coaxial cable.

Qwest is the incumbent provider of traditional telephone service and provides DSL service to residents. Unlike cable Internet service, Qwest's DSL service is available only in about 84% of Seattle. Like other phone companies Qwest is competing against Comcast for high speed Internet customers based on price rather than throughput speeds. Qwest also provides access to its network for independent Internet Service Providers for both dial up and high speed access. Qwest currently provisions some private VoIP networks for business customers and offers integrated voice and data T-1 access for smaller businesses. Qwest does not have a wireless unit.

Cable video rates in Seattle have been increasing at almost three times the rate of inflation over the last decade. Comcast charges $45.95 per month ($55.95 if not subscribing to cable service) for residential service that can burst up to 6 Mbps in the downstream direction with 384 Kbps in the upstream. It offers slightly higher speeds to business customers. Qwest has several speed and price offerings: 1.5 Mbps down and 896 Kbps up for $44.99 (unbundled); 3-5 Mbps down and 896 Kbps up for $54.99 (unbundled); and 256 Kbps in each direction for $31.99 (unbundled). Prices are somewhat lower when combined with other services and with one year commitments. Neither Qwest nor Comcast has indicated to the City any plans for constructing the type of broadband network envisioned by this RFI.

Wireless

Seattle is served by a number of wireless providers: Verizon, Sprint/Nextel, T-Mobile and Cingular. In addition to voice service, these companies have invested in next generation networks (3G) that will provide a broad range of coverage for data and allow for mobile Internet connections, albeit at slower speeds than wired providers or Wi-fi or Wi-Max networks. 3G is expected to deliver mobile Internet connections running at 200-500 Kbps and with improvements could reach 1Mbps. Clearwire, a company founded by

Seattle's Craig McCaw, is expected to begin providing wireless Internet access and VoIP services to Seattle residents in the near future.

Several private companies such as Starbucks provide commercial Wi-Fi services to consumers and businesses. However, there is no citywide Wi-Fi deployment at this time. The City is currently in the process of evaluating limited pilot wireless broadband access networks and may seek to establish more extensive Wi-Fi coverage.

Satellite

Only about 7% of Seattle multi channel video customers subscribe to satellite service according to the recent Technology Indicators survey. (www.seattle.gov/tech/indicators/2004residentialsurvey.htm)

7. Availability of Existing Public Assets and Infrastructure

The City of Seattle brings to the table an array of physical assets and other resources to support development of a citywide FTTP network. These range from publicly owned rights of way (ROW) to land for placement of equipment to staff support in permitting and facilitating rapid market entry. Additionally, the City may be willing to consider additional investments in fiber optics and other resources to further the aims of the partnership. General classes and locations of assets are listed below, with specifics to be provided to the successful proposer(s).

Utility Poles

Seattle City Light (SCL), a municipally owned utility, delivers power and light to all businesses and residents in Seattle. Approximately 80% of the distribution and power connections throughout Seattle are aerial, with the remaining 20% underground. We believe that this extensive opportunity for aerial placement will greatly reduce the cost of network buildout and speed time to market. The SCL owns approximately 110,000 wooden poles, broadly distributed throughout the city. Many of these poles are co-owned with other utility users, such as cable operators and telephone companies, and use is governed through a pole attachment agreement. Within the context of established processes and rates, it is anticipated that the successful proposer would have access to most of the municipally owned poles, although in some places the poles are at capacity. In addition to City poles, there are thousands of poles owned by other entities, such as Qwest, Metro (a division of King County), and, in the far northern part of the city, Verizon.

Rights-of-Way

The City of Seattle has over 1650 miles of paved streets, which could be made available for use by an infrastructure partner. In addition, many of Seattle's streets have broad medians which could provide limited opportunities for siting of telecommunications equipment. An areaways system also is present in parts of downtown, which may provide an opportunity for siting conduit.

Seattle Public Utilities (SPU), a municipally owned entity, also possesses utility rights of way water transmission rights of way and tunnels under Lake Union and the Duwamish River. These transmission rights of way could be used for installation of fiber and equipment, provided that there are no issues with the State Department of Natural Resources. The underwater tunnels are also available, for private leased use. SPU owns and operates a sewer system throughout Seattle that can in some cases serve as additional conduit for the installation of fiber optic lines. Similarly, SPU has underwater tunnels in which private parties do currently lease space and which could be available to the successful proposer on a space available basis.

Land Inventory

The City possesses thousands of acres of land throughout Seattle, in parks, rights of way, unused street ends, and other ownership. Some of these lands can be made available for siting of equipment. Seattle has over 6,200 acres of parkland, which includes such open spaces as athletic fields, landscaped boulevards, golf courses, beaches, and open green spaces. Existing restrictions on some park lands could be revisited as part of this project. Other open spaces include lands surrounding reservoirs and substations, as well as large urban greenbelts located throughout Seattle's hillsides. Depending on specific needs and circumstances, some of these properties could be made available to our partner(s). We anticipate that the City would assist the successful proposer in negotiating agreements or legislative changes, where necessary, to facilitate such use.

Buildings

Approximately 1,000 structures located in every corner of the city are City owned. In some cases, these may be small storage structures, while others may be large facilities with storage capacity or rooftops that may be available for use by the successful proposer.

Towers

The City owns several types of towers located throughout Seattle. There are water towers and communication towers, which may be available for siting of the successful proposer's equipment. Seattle Public Utilities (SPU) currently leases space to private providers on its water towers and standpipes for telecommunications purposes, and, space available, would consider doing so for the successful proposer.

Waterway Crossings

Approximately one million square feet of City maintained bridge decks, crossing over several rivers and bodies of water, provide opportunities for the successful proposer. In addition, the City has conduit under our waterways, which can be made available to the successful proposer.

Fiber and Conduit

There are over 350 miles of City owned fiber extending into all of Seattle's neighborhoods. The fiber is owned by several departments in the City of Seattle. Seattle City Light, one key fiber partner, may make some of its partnership fiber available, where spare capacity exists. The Department of Information Technology (DoIT) maintains an

extensive fiber partnership network including most City facilities and all public high schools and middle schools, with plans to bring fiber to all elementary schools within the next two years. The successful proposer may be able to use DoIT's fiber, space available, or DoIT may be willing to consider creating a new fiber network with the successful proposer.

DoIT has installed messenger wires with innerduct and fiber on about 5,000 utility poles along arterial routes that extend from downtown into every neighborhood in the city. A new fiber plant can piggy back on these existing routes with whatever fiber count is needed for the FTTP backbone design to reach every neighborhood. This existing innerduct and any future innerduct on poles will facilitate rapid and economical installation of fiber.

The use of any of these assets may be subject to some restrictions and regulations and additional authorization by other agencies, which vary depending on the type of asset and location. The City will work with our partner(s) to negotiate successful access to assets in a manner consistent with City and federal laws and policies.

Staff Expertise and Assistance
With Mayor and Council support it is anticipated that the successful proposer will find a welcoming City staff. The Department of Information Technology stands ready to be the point of contact for the successful proposer and to coordinate efforts with other City staff to facilitate navigating City government and promote rapid deployment of fiber, optronics and other equipment.

8. RFI Response Process

Communications with the City
All communications regarding this RFI should be directed to:
Ann Kelson, DoIT Contracts Manager
broadband@seattle.gov
206-684-0539

Questions and Answers
All questions or requests for clarification regarding this RFI should be submitted in writing to broadband@seattle.gov. The City encourages questions be submitted by June 19, 2006. All questions received by that time will be answered no later than June 26, 2006. Answers to all questions and any additional information the City may wish to communicate will be posted to the City's website at www.seattle.gov/broadband.

Response Format, Copies and Content
Respondents should submit ten (10) sets of all response documents, one set clearly marked original and 9 sets clearly marked copy. The original and copies should be submitted in 3 ring binders. Respondents also are requested to submit a CD soft copy of their response.

To receive consideration Respondents must provide the following in writing:

- A cover letter on the Respondent's letterhead. The cover letter should designate the individual who will be the Respondent's primary contact for all communications regarding its response. Provide the individual's Name, Title, Company (if submitting as a team, you must submit the names of proposed partners but need provide contact information only for the principal contact), Mailing Address, E-mail Address, and Telephone Number (no cell phone numbers, please)
- Demonstrated specific experience in financing, building, provisioning or operating broadband networks or other major infrastructure projects;
- Demonstrated financial ability to engage in a project of this magnitude, including financial capability of your partners, and
- A summary of the partnership you envision with the City.

Please be advised that the greater the degree of specificity, the more likely it will be for the City to review your response favorably.

Delivery of written responses
Reponses are due as listed below:

If delivery by U.S. Postal Service:
Ann Kelson, Contracts Manager
City of Seattle
Department of Information Technology
PO Box 94709
Seattle, WA 98124-4709

If delivery other than by U.S. Postal Service
Ann Kelson, Contracts Manager
City of Seattle
Department of Information Technology
700 5th Avenue #2700
Seattle, WA 98104

Schedule
The estimated schedule for this RFI process:

RFI Release Date	Monday, May 22, 2006
Deadline for Questions from Potential Respondents	Monday, June 19, 2006
Deadline for Answers from City of Seattle	Monday, June 26, 2006
Written Responses Due	Friday, July 7, 2006, 3:00 pm PDT
Notification to Respondents	Friday, August 18, 2006

Response Review
The City anticipates conducting a two step process for identifying potential partner(s) for a FTTP Network. In Step 1, the City will evaluate written responses received in response to this RFI. Respondents will be informed of the results by the date listed above. In the event the City decides to proceed to Step 2, the Finalists may be invited to present more

detailed information and begin discussions or negotiations with the City. The City may also issue a Request for Proposal to find a partner(s) or may choose to take no further action.

For additional information, visit our website at www.seattle.gov/broadband

Anticipated Uses of this RFI

The City expects to use the phase 1 responses to the RFI to initiate discussions or to begin more specific negotiations with some of the respondents. The City may also issue an RFP to find a partner or may choose to take no further action.

This RFI shall not be construed as a Request for Proposal (RFP) or as an obligation on the part of the City to acquire any products or services or to ever issue a RFP with respect to the matters on which this RFI is issued. The City will not be liable for any costs associated with the preparation of a response to this RFI. All submissions and accompanying documentation become the property of the City and will not be returned. No entitlement to payment of direct or indirect costs or charges by the City will arise as a result of submission or responses to this RFI and the City's use of such information. Responding to this RFI is not a condition for eligibility to respond to any subsequent RFP issued by the City. Further, submitting a response to this RFI does not create any rights or privileges with respect to any subsequently issued RFP.

9. Public Records and Proprietary Material

Respondents should be aware that any records they submit to the City, or that are used by the City even if the respondents possess the records may be public records under the Washington State Public Disclosure Act (RCW 42.17). The City must promptly disclose public records upon request unless a statute exempts them from disclosure. Proponents should also be aware that if even a portion of a record is exempt from disclosure, generally, the rest of the record must be disclosed. Exemptions, including those for trade secrets and "valuable formula," are narrow and specific. Proponents should clearly mark any record they believe is exempt from disclosure.

Upon receipt of a request for public disclosure, the City will notify the RFI proponent of any public disclosure request for the proponent's submittal. If the proponent believes its records are exempt from disclosure, it is the proponent's sole responsibility to pursue a lawsuit under RCW 42.17.330 to enjoin disclosure. It is the proponent's discretionary decision whether to file such a lawsuit. However, if the proponent does not timely obtain and serve an injunction, the City will disclose the records, in accordance with applicable law.